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APRIL.

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BY JOHN A. COLLINS.

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MONTHLY OFFERING.

APRIL.

Dr. Channing in the Field again.

"The duty of the Free States, or Remarks suggested by the case of the Creole. By Wm. E. Channing," pp. 54.

We had prepared several articles for the Offering, but have thrown them aside to give our readers some extracts from this work.

All are, probably, more or less acquainted with the history of the *Creole*. The facts are briefly these:—In November last, the brig *Creole*, of Norfolk, Va. sailed for New Orleans with a cargo of about 140 slaves. While the brig was on her way to New Orleans, the slaves rose upon the crew, killed one man, took possession of the vessel, and run her into the port of Nassau, in New Providence, one of the West India Islands. There, by the authorities of Great Britain, the slaves were allowed to go free. Our government, ever watchful of the interests of slavery, immediately sent a despatch to our minister in London, instructing him to demand of the British Government compensation for these liberated slaves. This instrument, drawn up and signed by Daniel Webster, as Secretary of State, is a remarkable production. Its reasoning is unsound, and its propositions and conclusions are monstrously wicked. It seems as if the Dr. labored to keep *Webster's* name out of sight. For allowing himself to be such a pliant, suppliant tool of slavery, Webster, as a northern man, ought to be exposed, and held up to the gaze of an indignant republic.

The style of this book is, like all the writings which emanate from Channing's pen, chaste, clear and forcible. It is not, however, written with so much ability as some of his other papers. It does not abound with so many apologies for the slaveholder, as does some of his earlier productions on slavery; yet a few of the last pages of this work must very much neutralize the good influence which the book would otherwise produce. After a few preliminary remarks in relation to the encroachments of slavery upon the North, the Doctor says :

No greater wrong, no grosser insult on humanity, can well be conceived; nor can it be softened by the customary plea of the slave-holder's kindness. The first and most essential exercise of love towards a human being, is to respect his Rights. It is idle to talk of kindness to a human being, whose rights we habitually trample under foot. "Be just before you are generous." A human being is not to be loved as a horse or a dog, but as a being having rights; and his first grand right is that of free action; the right to use and expand his powers; to improve and obey his higher faculties; to seek his own and other's good; to better his lot; to make himself a home; to enjoy inviolate the relation of husband and parent; to live the life of a man. An institution denying to a being this right, and virtually all rights; which degrades him into a chattel, and puts him beneath the level of his race, is more shocking to a calm, enlightened philanthropy, than most of the atrocities which we shudder at in history; and this for a plain reason. These atrocities, such as the burning of heretics, and the immolation of the Indian woman on the funeral pile of her husband, have generally some foundation in ideas of duty and religion. The inquisitor murders to do God service; and the Hindoo widow is often fortified against the flames by motives of inviolable constancy and generous self-sacrifice. The Indian in our wilderness, when he tortures his captives, thinks of making an offering, of making compensation,

to his own tortured friends. But in slavery, man seizes his brother, subjects him to brute force, robs him of all his rights, for purely selfish ends—as selfishly as the robber fastens on his prey. No generous affections, no ideas of religion and self-sacrifice throw a gleam of light over its horrors. As such, I must speak of slavery, when regarded in its own nature, and especially when regarded in its origin. A grand principle is involved in the case, or rather lies at its very foundation, and to this I ask particular attention. This principle is, that a man, as a man, has rights, has claims on his race, which are in no degree touched or impaired on account of the manner in which he may be regarded or treated by a particular clan, tribe, or nation of his fellow-creatures. A man, by his very nature, as an intelligent, moral creature of God, has claims to aid and kind regard from all other men. There is a grand law of humanity, more comprehensive than all others, and under which every man should find shelter. He has not only a right, but is bound to use freely and improve the powers which God has given him; and other men, instead of obstructing, are bound to assist their development and exertion. These claims a man does not derive from the family or tribe in which he began his being. They are not the growth of a particular soil; they are not ripened under a peculiar sky; they are not written on a particular complexion; they belong to human nature. The ground on which one man asserts them, all men stand on, nor can they be denied to one without being denied to all. We have here a common interest. We must all stand or fall together. We all have claims on our race, claims of kindness and justice, claims grounded on our relation to our common Father and on the inheritance of a common nature.

Because a number of men invade the rights of a fellow-creature, and pronounce him destitute of rights, his claims are not a whit touched by this. He is as much a man as before. Not a single gift of God, on which his rights rest, is taken away. His relations to the rest of his race are in no measure affected. He is as truly their

brother as if his tribe had not pronounced him a brute. If indeed any change takes place, his claims are enhanced, on the ground that the suffering and injured are entitled to peculiar regard. If any rights should be singularly sacred in our sight, they are those which are denied and trodden in the dust.

It seems to be thought by some, that a man derives all his rights from the nation to which he belongs. They are gifts of the state, and the state may take them away, if it will. A man, it is thought, has claims on other men not as a man, but as an Englishman, an American, or a subject of some other state. He must produce his parchment of citizenship, before he binds other men to protect him, to respect his free agency, to leave him the use of his powers according to his own will. Local municipal law is thus made the fountain and measure of rights. The stranger must tell us where he was born, what privileges he enjoyed at home, or no tie links us to one another.

In conformity to these views, it is thought that when one community declares a man to be a slave, other communities must respect this decree; that the duties of a foreign nation to an individual are to be determined by a brand set on him on his own shores; that his relations to the whole race may be affected by the local act of a community, no matter how small or how unjust.

This is a terrible doctrine. It strikes a blow at all the rights of human nature. It enables the political body to which we belong, no matter how wicked or weak, to make each of us an outcast from his race. It makes a man nothing in himself. As a man, he has no significance. He is sacred only as far as some state has taken him under its care. Stripped of his nationality, he is at the mercy of all who may incline to lay hold on him. He may be seized, imprisoned, sent to work in galleys or mines, unless some foreign state spreads its shield over him as one of its citizens.

This doctrine is as false as it is terrible. Man is not the mere creature of the state. Man is older than nations,

and he is to survive nations. There is a law of humanity more primitive and divine than the law of the land. He has higher claims than those of a citizen. He has rights which date before all charters and communities; not conventional, not repealable, but as eternal as the powers and laws of his being.

This annihilation of the individual, by merging him in the state, lies at the foundation of despotism. The nation is too often the grave of the man. This is the more monstrous, because the very end of the state, of the organization of the nation, is to secure the individual in all his rights, and especially to secure the rights of the weak. Here is the fundamental idea of political association. In an unorganized society, with no legislation, no tribunal, no umpire, rights have no security. Force predominates over right. This is the grand evil of what is called the state of nature. To repress this, to give right the ascendancy over force, this is the grand idea and end of government, of country, of political constitutions. And yet we are taught that it depends on the law of a man's country, whether he shall have rights, and whether other states shall regard him as a man. When cast on a foreign shore, his country, and not his humanity, is to be inquired into, and the treatment he receives is to be proportioned to what he meets at home.

Men worship power, worship great organizations, and overlook the individual; and few things have depraved the moral sentiment of men more, or brought greater woes on the race. The state, or the ruler in whom the state is embodied, continues to be worshipped, notwithstanding the commission of crimes which would inspire horror in the private man. How insignificant are the robberies, murders, piracies, which the law makes capital, in comparison with an unjust or unnecessary war, dooming thousands, perhaps millions, of the innocent to the most torturing forms of death, or with the law of an autocrat or of a public body, depriving millions of all the rights of men! But these, because of the acts of the state, escape the execrations of the world.

If the doctrine be true, that the character impressed on a man at home follows him abroad, and that he is to be regarded not as a man, but as the local laws which he has left regard him, why shall not this apply to the peculiar advantages as well as disadvantages which a man enjoys in his own land? Why shall not he, whom the laws invest with a right to universal homage at home, receive the same tribute abroad? Why shall not he, whose rank exempts him from the ordinary restraints of law on his own shores, claim the same lawlessness elsewhere? Abroad these distinctions avail him nothing. The local law which makes him a kind of deity deserts him, the moment he takes a step beyond his country's borders; and why shall the disadvantages, the terrible wrongs which that law inflicts, follow the poor sufferer to the end of the earth?

This principle our government has not explicitly denied in its letter to our minister in London. The letter is chiefly employed in dilating on various particular circumstances, which it is said entitled the Creole to assistance from the British authorities, in the prosecution of the voyage with her original freight and passengers. The strength of the document lies altogether in the skilful manner in which these circumstances are put together. I shall therefore proceed to consider them with some minuteness. They are briefly these. The vessel was engaged in a voyage "perfectly lawful." She was taken to a British port, "not voluntarily by those who had the lawful authority over her," but forcibly and violently "against the master's will," without any agency or solicitation on the part of the great majority of the slaves, and indeed solely by the few "mutineers" who had gained possession of her by violence and bloodshed. The slaves were "still on board" the American vessel. They had not become "incorporated with the English population;" and from these facts it is argued, that they had not changed their original character, that the vessel containing them ought to have been regarded as "still on her voyage," and should have been aided to resume it accord-

ing to that law of comity and hospitality by which nations are bound to aid one another's vessels in distress.

* * * * *

Let us now consider particularly the circumstances on which the United States maintain that the British authorities were bound to replace the slaves under the master of the Creole, and violated their duty in setting them free.

It is insisted, first, that "the Creole was passing from one port to another in a voyage *perfectly lawful*." We cannot but lament that to sustain this point of the *lawfulness* of the voyage, it is affirmed that "slaves are recognized as property by the constitution of the United States in those states in which slavery exists." Were this true, it is one of those truths which respect for our country should prevent our intruding on the notice of strangers. A child should throw a mantle over the nakedness of his parent. But the language seems to me stronger than the truth. The constitution was intended not to interfere with the laws of property in the states where slaves had been held. But the recognition of a moral right in the slave-holder is most carefully avoided in that instrument. Slaves are three times referred to, but always as *persons*, not as *property*. The free states are indeed bound to deliver up fugitive slaves; but these are to be surrendered not as slaves, but as "persons held to service." The clause applies as much to fugitive apprentices from the North, as to fugitive slaves from the South. The history of this clause is singular. In the first draught of the constitution it stood thus. "No person legally held to service or labor in one State, escaping into another, shall in consequence of any law or regulation thereof, be discharged from such service or labor, but shall be delivered up," &c. Mr. Madison tells us that the term "legally" was struck out, and the words "under the laws thereof," were inserted after the word "state," in compliance with the wish of some, "who thought the term *legal* equivocal and favoring the idea that slavery was *legal* in a *moral point of view*." It ought also to be added, that in the debate in the convention on that clause of the constitu-

tion which conferred power on Congress to abolish the importation of slaves in 1808, "Mr. Madison thought it wrong to admit in the constitution the idea that there could be property in men." Most memorable testimony to the truth from this greatest constitutional authority! With the knowledge of these facts, our government had no apology for holding up the great national charter as recognizing property in man. The phraseology and history of the constitution afford us some shelter, however insufficient, from the moral condemnation of the world; and we shall not gratuitously cast it away.

Whilst, however, we censure this clause in the Executive Document, we rejoice that on one point it is explicit. It affirms that "slaves are recognized as property by the constitution of the United States, *in those states in which slavery exists.*" Here we have the limit precisely defined, within which the constitution spreads its shield over slavery. These limits are "the states in which slavery exists." Beyond these it recognizes no property in man, and of course beyond these it cannot take this property under its protection. The moment the slave leaves the states within which slavery exists, the constitution knows nothing of him as property. Of consequence, the national government has no right to touch the case of the Creole. As soon as that vessel passed beyond the jurisdiction of the state where she received her passengers, the slaves ceased to be property in the eye of the constitution. The national authorities were no longer bound to interfere with and to claim them as such. The nation's force was no longer pledged to subject them to their masters. Its relation to them had wholly ceased. On this point we are bound to adopt the strictest construction of the instrument. The free states should not suffer themselves to be carried a hair's breadth beyond the line, within which they are pledged to the dishonorable office of protecting slavery.

But, leaving this clause, I return to the first consideration adduced to substantiate the claim of the Creole to the assistance of the British authorities. The voyage,

we are told, was "perfectly lawful." Be it so. But this circumstance, according to the principles of the free states, involves no obligation of another community to enforce slavery or to withhold from the slave the rights of a man. Suppose that the Creole had sailed to Massachusetts with her slaves. The voyage would have been "lawful;" but on entering the port of Boston her slaves would have been pronounced free. The "right of property" in them conferred by a slave state, would have ceased. The lawfulness of the voyage, then, gives the slave-holder no claim on another government, into the ports of which his slave may be carried.

"The voyage was perfectly lawful," we are told. So would be the voyage of a Turkish ship freighted with Christian slaves from Constantinople. Suppose such a vessel driven by storms or carried by force into a Christian port. Would any nation in Europe or would America feel itself bound to assist the Turkish slaver, to replace the chains on Christian captives whom the elements or their own courage had set free, to sacrifice to the comity and hospitality and usages of nations, the law of humanity and Christian brotherhood?

"The voyage," we are told, "was perfectly lawful." Suppose now that a slave-holding country should pass a law ordaining and prescribing a chain as a badge of bondage, and authorizing the owner to carry about his slave fastened to himself by this sign of property. Suppose the master to go with slave and chain to a foreign country. His journey would be "lawful;" but would the foreign government be bound to respect this ordinance of the distant state? Would the authorized chain establish property in the slave over the whole earth? We know it would not; and why should the authorized vessel impose a more real obligation?

We are now prepared to consider the next circumstance on which much stress is laid, to substantiate the claim of our government. "The vessel was taken to a British port, not voluntarily by those who had the law-

ful authority over her, but forcibly and violently, against the master's will, by mutineers and murderers," &c.

To this, various replies are contained in the preceding remarks. The first is, that the local laws of one country are not transported to another, and do not become of force there, because a vessel of the former is carried by violence into the ports of the latter. Another is, that a vessel entering the harbor of a foreign state, through mutiny or violence, is not on this account exempted from its jurisdiction or laws. She may not set its authorities at defiance, because brought within its waters against her own will. There may indeed be local laws intended to exclude foreigners, which it would be manifestly unjust and inhuman to enforce on such as may be driven to the excluding state against their own consent. But as to the laws of a country founded on the universal principles of justice and humanity, these are binding on foreign vessels, under whatever circumstances they may be brought within its jurisdiction. There is still another view of this subject, which I have already urged, but which is so important as to deserve repetition. The right of the slaves of the Creole to liberation was not at all touched by the mode in which they were brought to Nassau. No matter how they got there, whether by sea, land, or air, whether by help of saint or sinner. A man's right to freedom is derived from none of these accidents, but inheres in him as a man, and nothing which does not touch his humanity can impair it. The slaves of the Creole were not a whit the less men, because "mutiny" had changed their course on the ocean. They stood up in the port of Nassau with all the attributes of men, and the government could not without wrong have denied their character and corresponding claims.

We will now consider another circumstance to which importance is attached in the Document of our Executive. We are told that "the slaves could not be regarded as having become mixed up or incorporated with the British population, or as having changed character

at all, either in regard to country or personal condition." To this it is replied, that no one pretends that the slaves had become Englishmen, or had formed a special relation to Great Britain, on account of which she was compelled to liberate them. It was not as a part of the British population that they were declared free. Had the authorities at Nassau taken this ground, they might have been open to the complaints of our government. The slaves were pronounced free, not because of any national character which they sustained, but because they were men, and because Great Britain held itself bound to respect the law of nature with regard to men. It was not necessary for them to be incorporated with the British population in order to acquire to the common rights of human beings. One great error in the Document is, that a government is supposed to owe nothing to a human being who lands on its shores, any farther than his nation may require. It is thought to have nothing to do, but to inquire into his nationality and to fulfil the obligations which this imposes. He has no rights to set up, unless his own government stand by him. Thus the fundamental principles of the law of nature are set at naught. Thus all rights are resolved into benefactions of the state, and man is nothing unless incorporated, mixed up with the population of a particular country. This doctrine is too monstrous to be openly avowed, but it lies at the foundation of most of the reasonings of the Document. The man, I repeat it, is older and more sacred than the citizen. The slave of the Creole had no other name to take. His own country had declared him not to be a citizen. He had been scornfully refused a place among the American people. He was only a Man; and was that a low title on which to stand up among men? Nature knows no higher on earth. English law knows no higher. Shall we find fault with a country, because an outcast man landing on its shore is declared free without the formality of becoming incorporated with its population:

After successfully removing the objection brought

against the British authorities, by Mr. Webster, that the government officers in Nassua "interfered to set free the slaves," the Doctor lays down the distinction between property in man, and the productions of the earth as follows :—

Property is not an arbitrary thing, dependent wholly on man's will. It has its foundation and great laws in nature, and these cannot be violated without crime. It is plainly the intention of Providence, that certain things should be owned, should be held as property. They fulfil their end only by such appropriation. The material world was plainly made to be subjected to human labor, and its products to be moulded by skill to human use. He who wins them by honest toil has a right to them, and is wronged when others seize and consume them.

The Document supposes a government to declare, that opium is an article in which property cannot exist or be asserted, and, on this ground, to wrest it from the owner and throw it into the sea; and this it considers as a parallel case to the declaration, that property in man cannot exist. But who does not see that the parallel is absurd? The poppy, which contains the opium, is by its nature fitted and designed to be held as property. The man who rears it by his capital, industry and skill, thus establishes a right to it, and is injured if it be torn from him, except in the special case where some higher right supersedes that of property. The poppy is not wronged by being owned and consumed. It has no intelligence, no conscience for its own direction; no destiny to fulfil by the wise use and culture of its powers. It has therefore no Rights. By being appropriated to an individual it does good, it suffers no wrong.

Here are the grounds of property. They are found in the nature of the articles so used; and where these grounds are wholly wanting, as in the case of human beings, it cannot exist or be asserted. A man was made to be an owner, not to be owned; to acquire, not to become property. He has faculties for the government of

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himself. He has a great destiny. He sustains tender and sacred relations, especially those of parent and husband, and with the duties and blessings of these no one must interfere. As such a being he has Rights. These belong to his very nature. They belong to every one who partakes it; all here are equal. He therefore may be wronged, and is most grievously wronged, when forcibly seized by a fellow-creature, who has no other nature and rights than his own, and seized by such an one to live for his pleasure, to be bowed to his absolute will, to be placed under his lash, to be sold, driven from home, and torn from parent, wife and child, for another's gain. Does any parallel exist between such a being and opium? Can we help seeing a distinction between the nature of a plant and a man, which forbids their being confounded under the same character of property? Is not the distinction recognized by us in the administration of our laws? When a man from the South brings hither his watch and trunk, is his right to them deemed a whit the less sacred, because the laws of his state cease to protect them? Do we not recognize them as his, as intuitively and cheerfully as if they belonged to a citizen of our own state? Are they not his, here and everywhere? Do we not feel that he would be wronged, were they torn from him? But when he brings a slave, we do not recognize his property in our fellow-creature. We pronounce the slave free. Whose reason and conscience do not intuitively pronounce this distinction between a man and a watch to be just?

The Executive Document not only maintains the obligation of the English authorities to respect what the South had stamped on the slave, but maintains earnestly that "the English authorities had no right to *inquire* into the cargo of the vessel, or the condition of persons on board." Now it is unnecessary to dispute about this right; for the British authorities did not exercise it, did not need it. The truth of the case, and the whole truth, they could not help seeing, even had they wished to remain blind. Master, crew, passengers, colored people,

declared with one voice that the latter were shipped as slaves. Their character was thus forced on the government, which of course had no liberty of action in the case. By the laws of England, slavery could not be recognized within its jurisdiction. No human being could be recognized as property. The authorities had but one question to ask : Are these poor creatures men ? and to solve this question no right of search was needed. It solved itself. A single glance settled the point. Of course we have no ground to complain of a busy intermeddling with cargo and persons, to determine their character by British authorities.

After instituting a comparison between heroes of 1776 and the heroes on board the *Creole*, he speaks of the progress, the principles of human freedom is now making among different nations, and adds :—

The cry for Emancipation swells and spreads from land to land. And whence comes the opposing cry ? From St. Petersburg ? From Constantinople ? From the gloomy jealous cabinets of despotism ? No ; but from republican America ! from that country, whose Declaration of Independence was an era in human history ! The nations of the earth are beginning to proclaim, that slaves shall not breathe their air, that whoever touches their soil shall be free. Republican America protests against this reverence for right and humanity, and summons the nations to enforce her laws against the slave. Oh my country ! hailed once as the asylum of the oppressed, once consecrated to liberty, once a name pronounced with tears of joy and hope ! now a by-word among the nations, the scorn of the very subjects of despotism ! How art thou fallen, morning star of freedom ! And has it come to this ? Must thy children blush to pronounce thy name ? Must we cower in the presence of the Christian world ? Must we be degraded to the lowest place among Christian nations ? Is the sword, which wrought out our liberties, to be unsheathed now to enforce the claims of slavery on foreign states ? Can we

bear this burning shame? Are the free states prepared to incur this infamy and crime?

We call on a great nation to abandon its solemnly pronounced conviction of duty, its solemnly pledged respect for human rights, and to do what it believes to be unjust, inhuman and base. Is there nothing of insult in such a demand?

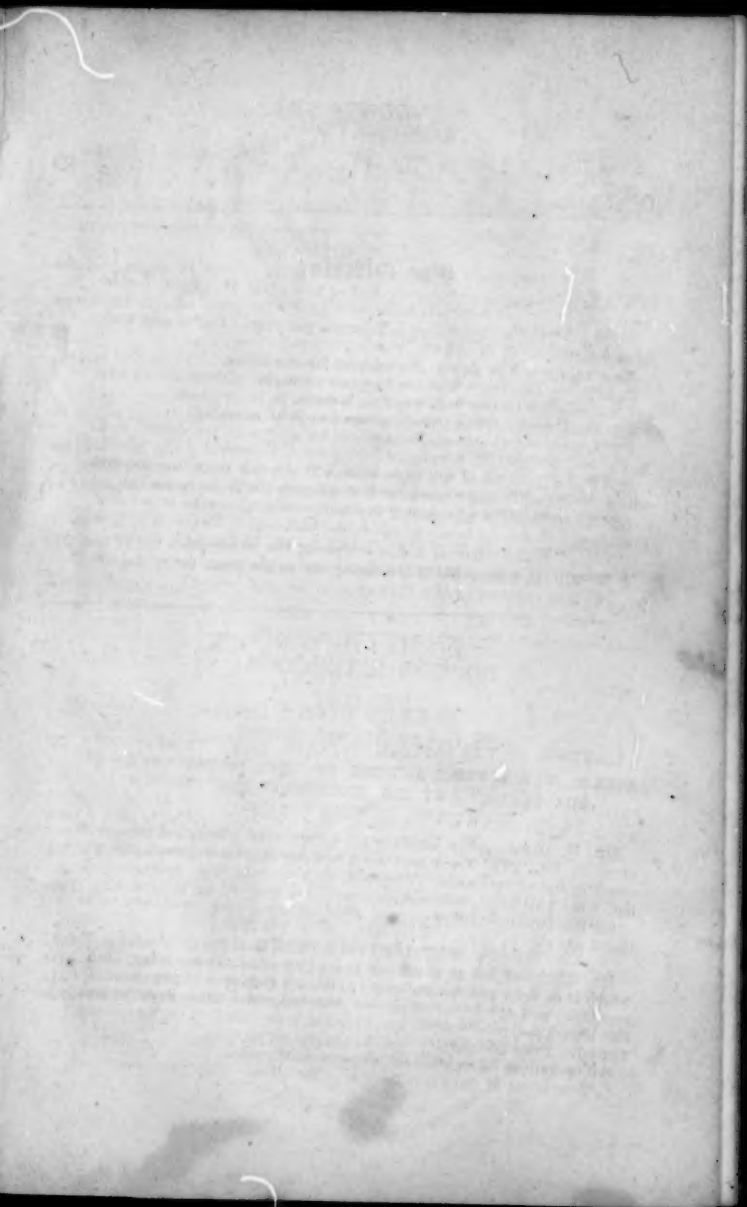
It is idle, and worse than idle, to say as is sometimes said, that England has no motive but policy in her movements about slavery. He who says so, talks ignorantly or recklessly. I have studied abolitionism in England enough to assure those who have neglected it, that it was the act not of the politician but of the people. In this respect it stands alone in history. It was a disinterested movement of a Christian nation in behalf of oppressed strangers, beginning with Christians, carried through by Christians. The government resisted it for years. The government was compelled to yield to the voice of the people. No act of the English nation was ever so national, so truly the people's act, as this. And can we hope to conquer the conscience as well as the now solemnly adopted policy of a great nation? Were England to concede this point, she would prove herself false to known, acknowledged truth and duty. Her freshest, proudest laurel would wither.

In bearing this testimony to the spirit of the English people in the abolition of the slave trade and of slavery, nothing is farther from my mind than a disposition to defend the public policy or institutions of that country. In this case, as in most others, the people are better than their rulers. England is one of the last countries of which I am ready to become a partisan. There must be something radically wrong in the policy, institutions and spirit of a nation, which all other nations regard with jealousy and dislike. Great Britain, with all her progress in the arts, has not learned the art of inspiring confidence and love. She sends forth her bounty over the earth, but, politically considered, has made the world her foe. Her Chinese war, and her wild extension of dominion

over vast regions which she cannot rule well or retain, give reason to fear, that she is falling a prey to the disease under which great nations have so often perished.

The condition of the lower orders at the present moment is a mournful commentary on English institutions and civilization. The multitude are depressed in that country to a degree of ignorance, want and misery, which must touch every heart not made of stone. In the civilized world there are few sadder spectacles, than the contrast, now presented in Great Britain, of unbounded wealth and luxury with the starvation of thousands and ten thousands, crowded into cellars and dens without ventilation or light, compared with which the wigwam of the Indian is a palace. Misery, famine, brutal degradation, in the neighborhood and presence of stately mansions, which ring with gaiety and dazzle with pomp and unbounded profusion, shock us as no other wretchedness does; and this is not an accidental but an almost necessary effect of the spirit of aristocracy and the spirit of trade acting intensely together.

Must slavery still continue to exist, a firebrand at home and our shame abroad? Can we of the free states brook, that it should be thrust perpetually by our diplomacy on the notice of a reproofing world? that it should become our distinction among the nations? that it should place us behind all? Can we endure, that it should control our public counsels, that it should threaten war, should threaten to assert its claims in the thunder of our artillery? Can we endure that our peace should be broken, our country exposed to invasion, our cities stormed, our fields ravaged, our prosperity withered, our progress arrested, our sons slain, our homes turned into deserts, not for rights, not for liberty, not for a cause which humanity smiles on and God will bless, but to rivet chains on fellow-creatures, to extend the law of slavery throughout the earth? These are great questions for the free states. I must defer the answer of them to another time. The duties of the free states in relation to slavery deserve the most serious regard.



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